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ABSTRACT

This book is intended as a general introduction to the problems of battered women. The format for part 1 consists of the presentation of facts about wife beating, i.e., who are victims, characteristics of batterers, the environment in which family violence exists, and services for battered women. These facts are illustrated by the presentation, on alternating pages, of a fictional wife battering situation. Part 2 of the booklet provides advice for the victim before, during, and after the attack and presents information on the role of the police, going to court, criminal and civil charges, and restraining orders. The decision about whether a battered woman should stay with the man or end the relationship is also discussed. Part 3 of the booklet includes a suggested reading list and a resource list of shelters and other family violence programs and resources in New Mexico. Although the information about legal matters and resources for battered women is geographically specific to New Mexico, the booklet provides a useful basic introduction to anyone interested in learning more about the problem of wife battering. (JAC)

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MY NEIGHBOR IS A BATTERED WOMAN

Melissa Howard

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New Mexico Commission on the Status of Women
September 1981

This book is dedicated to Marge.

Preface

My Neighbor Is a Battered Woman is a publication of the New Mexico Commission on the Status of Women. Financial support was provided by the Levi Strauss Foundation.

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Introduction

Severe and repeated physical abuse of women by their husbands, lovers and ex-husbands is a widespread problem with multiple repercussions for victims, abusers, children and, ultimately, society as a whole. Society is taking the first steps toward understanding and assisting people involved in battering, but much more needs to be done.

This book is intended as a general introduction to the problem of woman battering. The suggestions given to victims in Part 2 are intended only as a guide and cannot replace the services of a lawyer.

The resource list in Part 3 is current as of August 1981. Victims, counselors, lawyers, researchers and others are encouraged to call or write the New Mexico Commission on the Status of Women for updated information.

The characters in *My Neighbor Is a Battered Woman* are fictional. Their problem is, unfortunately, factual.

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Part 1: *My Neighbor Is a Battered Woman*

Wednesday morning

It happened again last night.

My neighbor Nancy is a battered woman. Last night I heard her screaming. Jerry was cursing and yelling. I heard crashes and thumps, doors slamming and dishes breaking, and once I imagined I heard a soft thud, like a fist hitting a cheek. I couldn't stand to listen after that, so I vacuumed my living room, which wasn't even dirty, just to drown out the noise.

Later today I'll go visit Nancy. I'll bring a pot of coffee and a plate of cookies, and after we get our kids settled in the play pen I'll try to get her to talk to me about the way Jerry beats her up.

Wednesday evening

Nancy has a black eye and she talks funny, as if her jaw hurt, but she insists she's OK. When I told her what I heard last night she apologized for disturbing me. She actually apologized for getting beaten up! And then she started to cry. She feels sorry for Jerry because he's under a lot of pressure at work. They had a fight and it was her fault, or at least she thinks it was, because dinner was late and the baby was hollering. She said everything is fine now. Jerry called from work this morning and apologized. He probably brought her a bouquet of flowers tonight.

I could hardly believe my ears! I asked Nancy if a late dinner justifies a black eye and flowers make up for it. She said I don't understand the situation.

Friday afternoon

I can't get Nancy off my mind. I feel sorry for her, but I can't help being annoyed with her too. Is she just letting herself get beaten up? She won't admit there's something seriously wrong in her house, and she makes up alibis for Jerry and blames herself instead of him. Why doesn't she stand up to him? He's acting like a bully. She should tell him if he doesn't shape up she'll take the kids and leave him. That's what I'd do the first time a man hit me. But I guess it's not that simple for Nancy.

Woman battering (or domestic violence or spouse abuse or whatever name it goes by) is not simple. But one thing about it must be stated simply: Everyone has the right to live in peace and safety. Assault is against the law, whether it is committed by a stranger or a loved one.

Every day millions of American women are beaten by the men they live with or used to live with. Woman battering is not a new problem. What is new is the attention being paid to the problem. Experts now agree that:

1. There are battered women of every skin color in every kind of home in America: rich and poor, blue collar and white collar, city and suburb and country. Batterers and their victims come in all personality types; Jerry and Nancy are only two examples.

2. An authoritative study suggests that 16 percent of all couples are involved in domestic violence, including a few cases where the woman attacks the man.

3. Woman battering is a complex problem, probably rooted in our traditional concepts of sex roles.

4. Victims are not to blame, and yet they must take the first steps to solve the problem.

5. A woman who does nothing except hope the beatings will stop probably can expect them to continue for the rest of her life.

6. Men who beat women may also abuse their children. Women who are beaten frequently turn on their kids. Many children from battered families have educational and emotional problems throughout their lives. They are likely to grow up to be batterers or victims themselves.

7. Dealing with woman battering, let alone eliminating it, is going to require coordinated efforts by many segments of society, and those efforts have barely begun.

Tuesday morning

I've been talking to Nancy a lot. I guess she's never opened up about this before, and she made me promise not to tell anyone else. She's a proud woman and she doesn't want pity.

I have more respect for her now that I see how hard she works to keep her family together. She devotes so much energy to protecting herself and the kids that I wonder how she can do anything else.

Nancy is pretty isolated. She hardly ever goes out, because Jerry is so jealous he won't let her have many friends. They don't have much money, and Jerry controls it all.

I haven't tried to give Nancy any advice. For one thing, I don't know what to say. For another, she feels certain there's no way out. Jerry has convinced her she can't get along without him and she thinks she can't stop him from beating her.

Nancy believes Jerry truly loves her, and that may be true. It's hard for me to understand how a man can beat the woman he loves, but it happens.

Nancy seems to think she's the first woman who ever got beaten. That adds to her feelings of isolation and shame. I pointed out to her that victims are probably too embarrassed to talk about it, so nobody knows how many there are. I hope she trusts me, and I hope I can find a way to help her.

For some women, battering only happens once or twice a year. But many battering relationships begin with a single blow delivered in the blaze of anger, then progress gradually to severe beatings inflicted regularly, perhaps daily. Most victims learn a series of coping techniques, but almost always the violence escalates. Homicide is not unknown, either when a beating goes too far or when a victim fights back too hard.

There is a typical cycle of violence in woman battering. In the early stages, the man's tensions build up. The woman tries to keep the lid on by removing sources of frustrations or anticipating his demands.

Sooner or later the pressure explodes. The experienced victim knows whether to fight back or remain passive, whether to flee, call for help or just stick it out.

The explosion is followed by remorse and apologies. The man may tell his victim that she drove him to beat her—and she may believe him. He may beg for forgiveness—and get it. He may take her out to dinner, bring her gifts—and she may remember how much she loves him. Both may fool themselves into thinking the beating will never happen again, and for a time all will be well. But inevitably his tension will build up and the cycle of violence will begin all over again.

Enduring this cycle of violence is likely to grind the victim down into helplessness. She learns that no matter what she does, his tension grows and explodes into a beating. Eventually she loses faith in her ability to protect herself or to change her situation, and this feeling of powerlessness spreads to all areas of her life. Because most batterers also subject their victims to continuous psychological abuse and keep them isolated, this loss of self-esteem can be inevitable, all-encompassing and eventually immobilizing.

Friday afternoon

Nancy told me today that Jerry's father beat up everyone in the family. Eventually Jerry's mother moved out, but she had to go on welfare, so Jerry stayed with his father. I'd be willing to bet that domestic violence runs in families. Jerry's father taught him that bullying and beating get you what you want, and his mother taught him that women will put up with it. I wonder how long it will be before Jerry starts beating up his own kids.

Jerry seems like a Jekyll-and-Hyde character to me. I know he's successful in his work, and he's popular in the neighborhood. When he was helping us paint the fence last summer, the dog tipped over the paint bucket and Jerry just laughed with the rest of us. Now when I see him I wonder how much rage and frustration are bottled up inside, just waiting to erupt, and I wonder how he can take out his problems on the woman he loves.

Researchers paint a profile of the typical batterer: Not a monster, but a man with low self-esteem who holds traditional views about sex roles and family relationships. He has trouble expressing his emotions in appropriate ways, he blames others for his own problems and he does not handle stress well. He is often jealous and possessive, and often he has a drinking or drug-abuse problem. One study shows that 63 percent of batterers were themselves childhood victims or witnesses of domestic violence.

Until recently, police officers, counselors and others who intervened in battering relationships focused on the victim. Often they assumed that the victim had somehow provoked the attack, perhaps even deserved it, and that if her behavior changed the attacks would stop. These assumptions collapse under careful consideration. Violence simply does not belong in the home. Even if a woman is guilty of nagging or burning the dinner, she does not deserve a beating.

A man who routinely abuses a woman cannot be excused or forgiven. Nor should he be expected to change his ways without great effort. Therapists can help, provided the batterer genuinely wants to change. But he must first admit he is a batterer. Then therapists can teach him to recognize his negative emotions and find acceptable outlets for them. Perhaps he can be helped to solve his problems, or at least accept them, instead of taking them out on other people.

Thursday

I had another long talk with Nancy today. She's worried about her kids, not just about how soon Jerry will start beating them but about how much harm it's doing them just to be in that house. When Jerry goes after Nancy the kids hide in their rooms. They don't understand what's going on, they just know it's terrible.

And people worry about kids watching too much violence on TV!

I told Nancy I'm going to call the police the next time I hear her screaming. She begged me not to, said it would just enrage Jerry even more. But I got her to promise to come over here whenever she feels she can't take any more.

I know Jerry isn't a vicious man. He's probably a deeply troubled man who deserves help. But Nancy does too.

Nancy told me she grew up with the traditional stereotypes about men and women. She has always been dependent on a man for support, and she doesn't have much self-confidence. She must have thought her life was finally starting when she and Jerry got together. Everything was all right at first, but when she got pregnant they started worrying about money, and Jerry started hitting her.

Jerry never talks to Nancy about his real problems. When he hits her, he always has an excuse, a reason why he has to punish her. And I'm afraid Nancy believes she deserves it. She puts so little value on herself, and she's gotten used to thinking of herself as a victim.

Tuesday afternoon

I'm beginning to think that woman battering has a lot to do with our traditional ideas about sex roles. In fact, maybe battering is just the ultimate, exaggerated expression of male dominance.

Men have always dominated most areas of society, and it's hard for us to change our expectations, even now with all the gains women have made. I know things are getting better, but slowly, and different parts of society change at different rates.

We used to assume that men made all the decisions for the family and had the right to enforce them. In many states wife-beating was not even a crime as little as fifty years ago!

I wonder if battering is somehow related to men's role as boss of the family. Some men expect women to wait on them and obey their orders. Does that make it easier to justify beating a woman who doesn't perform right? Would women be less likely to get beaten if they didn't let men treat them as servants?

Wednesday night

I talked to a couple of men about this, and they more or less agreed that traditional concepts of the man's role could be distorted into a license for violence. But they also made me see that men aren't the villains here; in fact, they're victims almost as much as women are.

Traditional roles put a heavy burden on some men. Not only are they bread-winners, they are supposed to make the family's decisions, take care of the finances and generally know all the answers. Men aren't allowed to be doubtful or worried; they can't ask anyone for help because everyone is looking to them for help.

No man can really live up to this image, not if he's honest with himself. I guess I can understand how much pressure some men are under, and how hard it must be for them to admit it.

Thursday morning

I lay awake last night thinking about Jerry and Nancy and all of us. I was thinking about all those stereotypes about women. I remember the old comics with Maggie and Jiggs, the shrewish wife and the helpless husband, where the message was so clear: Maggie deserves a poke in the jaw. And the old movies where the hero "had" to slap a woman to bring her out of a fit of hysterics. Or that subtle hint that women love to be dominated by men, maybe even pushed around a little; it's not far from the Rolling Stones song "Under My Thumb" to out-and-out battering.

Then, too, violence is an American tradition. We admire the strong, silent cowboy who wasn't afraid to use force when he had to. The temptation to resort to violence must be strong for some men in our society.

I've been thinking about the men I know. A lot of them, probably including Jerry, can't express their emotions very well. They have trouble acknowledging negative feelings, and they just lump them all together as anger. I guess it's easier to be angry at the world than to admit you're frustrated or disappointed or scared. And when you're angry you don't have to solve your problem, just lash out at someone, and often it's a woman who is closest and provides the best excuse.

I'm beginning to understand a little more about woman battering. But I still don't know how to help Jerry and Nancy.

The decision to seek help is a difficult one for a battered woman. She is physically and emotionally isolated, bogged down in insecurity, intimidated by the man's threats. If, like many women, she feels responsible for the success or failure of the relationship, she will resist admitting it is in trouble. And she may still care enough about the man to want to spare him humiliation and public censure.

The battered woman may feel she has no choice. Leaving home is a frightening prospect for the woman without money, a job or a place to stay. Can she manage? What will happen to the children? What if the man falls apart without her? What if he follows her?

Should she hope that leaving him temporarily will shock him into changing his ways, or should she leave him for good?

Answers to these questions are not readily available to most battered women.

Sunday

It happened again last night.

It's been over a month since the last beating, and I know Nancy had almost fooled herself into thinking it wouldn't happen again. They went to a friend's birthday party. Jerry accused Nancy of flirting and slapped her in front of her friends. When they got home he really tore into her.

I took her to the hospital in the middle of the night. She has a cracked rib and a mild concussion.

I think Nancy was feeling a new emotion: anger. She kept saying Jerry has no right to put the kids through this. That's progress, I guess: at least she's blaming Jerry instead of herself. Maybe now she can get angry on her own behalf.

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People who have studied woman battering believe that, while it is the man who needs help the most, it is almost always the victim who must take the first step. Most batterers are skilled at minimizing and denying reality to themselves and others. Often it is only the shock of the victim's departure or her threat to stay away that makes him face reality.

For the victim, a safe haven is vital before she can begin to think clearly. Almost as important is a listener, whether another battered woman or a trained counselor, a friend or a relative. These people can't make decisions for the battered woman—only she can do that—but they can help.

A priest or minister, police officer or social worker might be a helpful first contact for a battered woman who cannot rely on family or friends. In most communities there is some form of assistance, however limited, for battered women. The resource list in Part 3 of this book includes crisis hot lines, women's groups, referral sources, counseling services, even emergency housing.

Americans are just beginning to face up to woman battering. Ultimately each battering relationship will be handled by the two people involved. They may choose to change their behavior, end the relationship or just continue the battering. Society can assist those who want to change. For batterers, society may provide counseling and treatment programs, and society sometimes will arrest, try and punish batterers. For victims, society can provide:

1. Immediate, short-term services, including police protection, court decrees, medical care and emergency housing (See Part 2 and Part 3 of this book).

2. Later, counseling, as well as legal assistance, job training, child care services and perhaps food stamps, welfare and other aids to independence. For whether or not she returns to the batterer, a woman with independent means—not only an income but a sense of herself as a competent individual—is less likely to be a repeat battering victim. Counseling and referrals are available from women's commissions as well as traditional assistance organizations like the YWCA, religious groups, women's organizations and counseling centers (See Part 3).

Perhaps someday society also will help battered women by providing new standards and patterns for male-female relationships. Maybe battering would be less common if men and women were freed from sex-role restrictions. Men must be made to understand that women are not inferior beings who can be abused. Men must learn to cope with responsibility and frustration. Men and women must learn to live together as equal partners who respect each other's needs and strengths. Continuing to raise children in homes where beatings occur will only delay this development.

Wednesday morning

I've done some research here in town, and it turns out there are services available for people like Jerry and Nancy. But nobody can wave a magic wand and solve their problem for them; they have to go and get help. And even though it doesn't seem fair that the victim should have to take the responsibility, I think Nancy will have to take the first steps to get Jerry to change.

She's got to talk to him. She should tell him that if he doesn't stop beating her she will call the police, or leave him for good. Maybe she can make him understand that she won't be a punching bag for his frustrations anymore. She should try to persuade him to look honestly at his life and ask what's really bothering him; maybe it's something that can be changed, like getting a new job or giving up alcohol. She should make him get professional help from a doctor or a counselor.

How is she going to do all that?

First she's going to have to convince herself she has a right not to be beaten up. Then she's going to have to believe she has the power to change her situation. I hope she can find some support from her family and friends. Maybe she'll get involved with a women's group or go to a counseling cent[illegible]. She's going to need a lot of encouragement.

Part 2: For the Victim: Before, During and After the Attack

For the battered woman who cannot hope to change her situation immediately, here are some things to consider before the next beating:

1. No matter what you decide to do during the attack, make a rational decision based on your evaluation of the situation; don't just sit passively waiting to be beaten.

2. Try to predict when an attack is coming by observing cycles and warning symptoms, then plan.

3. Leaving is probably the best strategy. Not only will you protect yourself, you will deprive the batterer of his victim. No matter how long he has been beating you, the situation will never change as long as you are there for him to beat. The first time you flee from a beating may be the first step toward stopping the beatings.

4. Plan ahead to escape before the beating begins. Pick out a safe refuge (for suggestions, see Part 3) and decide what you and your children will need to live on your own for a few days. If possible, pack a suitcase and leave it with a trusted neighbor. If there is a battered women's shelter in your area, visit it in advance.

5. Consult a lawyer. For a small fee you can find out what your options are without committing yourself to anything.

6. Right now, start saving money that you will need when you leave, even if you only put aside a few dollars from each week's grocery money. And remember that you are entitled to draw out of any joint checking or savings account.

7. You have the right to take your children with you when you escape from a beating or you may come back for them later. You cannot be accused of abandonment if you leave your children to escape from a beating.

During the attack, make your decision about whether to fight back (which is probably not advisable), flee or just stick it out. Consider locking yourself and the children in a safe room, calling the police or at least protecting vulnerable parts of your body, including your head and stomach.

After the attack:

1. Get medical care whenever you have been severely beaten, especially if you are pregnant, whether or not you feel any symptoms. It is important to treat your injuries and also to establish proof that you were beaten.

2. Talk to someone. You have a right to seek help, advice or just a shoulder to cry on. It is not your fault that you were beaten and you shouldn't have to bear the burden alone. Seek out a trusted friend or relative or call a crisis center, women's center, church or social service agency.

3. Consider separating from the batterer, if only for a few days, to give yourself time to think. Promise yourself you will not go back to the batterer unless you are certain that things are going to improve. No matter how much you want the relationship to continue, you must believe this: the beatings will not stop unless you act.

Calling the Police

You should use your own judgment about whether to call the police during or after a beating. Here are some things that police officers wish battered women would consider:

1. Do you know how your local police handle domestic disturbance complaints? Can you expect officers to come to your home promptly? Will they try to settle the fight? Will they counsel you and the man? Will they take you to a safe place? Will they write a report? Will they make an arrest? If you do not know the answers to these questions, ask the police or someone in your community who knows about police procedures.

2. Will the presence of the police further enrage your batterer? Will he start beating you again as soon as the police leave? If so, are you prepared to ask the police officer to wait a short time while you collect a few things and to escort you from the house?

3. The police have a range of options, from stopping the fight and then leaving you alone to arresting the batterer. Most police officers have been trained in handling domestic disturbances. Often they will take your wishes into account, but the final decision is theirs.

4. If the man is not arrested, then you should be willing to file a complaint against him or have a report written.

If you decide to call the police, try to be calm and give them all relevant information:

1. Is a weapon being used?

2. Is the man drunk or high on drugs?

3. Has he threatened to kill you?

4. Does the man live in the house where the beating is taking place?

5. Is he married to you or are you legally separated or divorced from him?

6. Do you have a temporary restraining order against him?

In most communities two officers are assigned to answer domestic disturbance calls. When they arrive their first goal is to stop the violence. If necessary, they will administer first aid. Then they usually try to diagnose the immediate problem and encourage the parties to talk it out. If talking doesn't help the officers may try to get one of the parties to leave the house. They may also refer them to a battered women's shelter, counseling center, alcoholism treatment facility or other agency.

In many jurisdictions, the police officers will write a report on a domestic disturbance call only if the victim requests it or unique circumstances prescribe it. Some police officers believe the victim should always request that a report be filed, even if she doesn't want to file a complaint, because it will help establish a record for the court to review in a later criminal case or a request for a temporary restraining order or other civil court action.

Going to Court

The information contained in this section is applicable in most New Mexico jurisdictions. It is presented for the general education of victims and others, but it cannot replace a lawyer. A battered woman planning to take legal action is strongly urged to hire a lawyer.

Woman battering is against the law in New Mexico and every other state. The law calls it assault and/or battery. Depending on the severity of the beating, it can be a relatively minor crime, called a misdemeanor, which is punishable by a small fine and/or a short jail term, or it can be a serious crime, called a felony and carrying a prison sentence and/or a large fine.

Police officers, sheriff's deputies and other law enforcement authorities are required to arrest anyone they see committing a felony. If the officers do not witness the crime they may make an arrest anyway, based on their judgment that a felony probably took place. For example, if police officers come to your house and find you with a broken nose and numerous cuts and bruises, they should arrest the man who beat you.

Until two years ago, officers in New Mexico were not permitted to make arrests in less serious misdemeanor batteries unless they saw the crime taking place. A new state law now permits such arrests, again based on the officers' judgment that a crime has been committed. This law applies only to spouses, ex-spouses or persons living together. However, officers do not always take advantage of this new law because they are uncertain of its limitations and implications.

Officers are rarely eager to arrest suspected woman batterers. Often the victim refuses to file a complaint or to testify against her batterer, or she may take the first steps toward prosecuting but change her mind before the trial. Officers know how unlikely it is that the victim will pursue a case, and some officers remember only too clearly how the victim turned on a police officer who tried to arrest the man who was beating her up.

One Albuquerque police officer explains his pessimism about arresting batterers with this story: In 3½ years as a patrolman he answered hundreds of domestic disturbance calls and only saw one batterer con-

victed. In this case he arrested a man he saw beating a woman while they rode in a car. When the officer pulled the car over, the victim jumped out and ran to the police car covered with blood. And yet, when she came to testify against the man she told the judge she had hurt herself by tripping over a curb! The angry judge labeled her story an obvious lie and convicted the man anyway.

There are many reasons for victims' reluctance to prosecute, including fear of retaliation by the batterer, fear of loss of his income if he is jailed or fined, doubt that prosecution will change his behavior and dislike of publicity. Many women decline to prosecute out of a generalized feeling of powerlessness, a belief that the situation will never change.

Prosecutors, judges and juries are often unsympathetic to battered women. Some of them do not believe that domestic problems belong in court. Others believe the myth that most victims are at least partly to blame for their beatings. All of them know from experience that few batterers are ever brought to trial, even fewer are convicted and very few indeed are punished.

Perhaps these pessimistic official attitudes would change if more women prosecuted the men who beat them. You can change the situation if:

1. You truly want the batterer arrested, tried, convicted and punished.

2. You are willing to wait weeks, maybe even months.

3. You are able to monitor the case, checking in regularly with the prosecutor to make sure it hasn't been forgotten.

4. You can help the prosecutor by providing witnesses, medical records and other documentation.

5. You are prepared for testimony and cross-examination that may be embarrassing or even painful.

6. You are aware that the man may punish you for getting him in trouble with the law, and you know that if he is fined or sent to jail you will lose his income.

Criminal Charges

Here is what happens when criminal charges are brought against a batterer:

If he is arrested, he is given a chance to post bond (usually less than $100) or released on his own recognizance if he has a good reputation in the community. In a few days he is arraigned (formally charged) on the misdemeanor or felony of assault and/or battery, or perhaps a more serious charge like attempted murder. You do not have to appear at the arraignment. If the man pleads guilty he will probably be fined, unless he has a long record, in which case he may be sent to jail. If he denies the charge, a trial date is set. Misdemeanors are tried before a judge, felonies before a judge and jury. The man is entitled to have a lawyer represent him at the arraignment and the trial.

If the man was not arrested, you may file criminal charges against him yourself. You must appear in person at the appropriate court office; you can find out where to file from the police or from the clerk of any local court.

You may be asked to confer with a prosecutor or a judge, and you should be prepared to supply helpful information, like the accused man's address and a written statement of the case. An arrest warrant may be issued or the man may simply be ordered to appear at a preliminary hearing similar to an arraignment. Here he may plead guilty or deny the charges and go on to a trial.

Often the charges are dropped or reduced by plea bargaining before the trial. This is at the prosecutor's discretion.

During a criminal prosecution, you, the victim, as a member of society whose laws have been broken, are represented by a public prosecutor, usually a district attorney.

Civil Charges

Whether or not she files criminal charges, the battered woman may find judicial relief in a civil court. Possible civil actions include divorce or legal separation (or, if you are not married to the batterer, settlements of property, child custody and child support). In addition, once your lawyer has initiated a civil proceeding you also may apply for a restraining order against the batterer.

In civil court you are acting on your own behalf, so the public will not provide a prosecutor for you. In some cases people can represent themselves in civil court, but you probably need a lawyer to represent you. If you cannot afford to hire your own lawyer you might be eligible for help from the Legal Aid Society or a similar program that provides free or reduced-cost services. However, these programs are facing budget cuts and most are not accepting many new clients. Before deciding that you can't afford a lawyer, ask yourself:

1. Is there money in a checking or savings account? Even if this is a joint account and the man has been controlling it, you are entitled to the money.

2. Are there friends or relatives who will loan you money? Don't be ashamed to ask for help in solving this serious problem.

3. Are there cars, jewelry or other items that could be sold to raise money to pay a lawyer?

If you don't know a good lawyer, ask friends or relatives for recommendations or look in the yellow pages under "attorneys" or "lawyers." There may be separate listings for lawyers who take domestic relations or family law cases. In some communities there is a lawyers' referral service that will give you the names of several lawyers you may consult for a small fee before you decide whom to hire.

Talk the case over with the attorney before making the hiring decision. Find out how the billing procedure works and get an estimate of the total bill. But don't make the choice just on the basis of money. Remember the lawyer is going to help you accomplish something im-

portant and difficult, and you want someone you like, trust and feel confident about. And don't forget that you can always get a new lawyer if you are unhappy with your first choice.

Restraining Orders

After a major civil action like divorce is under way, your attorney can ask the judge to issue a temporary or permanent restraining order that commands the batterer to change his behavior—not to beat you or the children, not to threaten or harass you and sometimes not even to see or talk to you. Court orders also can evict the batterer from the family home and/or award you temporary child custody and support.

A temporary restraining order (TRO) provides immediate relief from a dangerous situation and is a common method of dealing with batterers in New Mexico. A TRO is issued after a brief hearing. You must be prepared to demonstrate that you are in danger of injury from the accused man. He usually is not present at the hearing but the order cannot take effect until he has been served, or officially notified.

Usually a TRO is in effect for ten days or so. Judges can either hold a second hearing to decide if the order should continue in effect or else consider it when the larger civil action, like divorce, is heard in court.

TROs sometimes are issued after a divorce when ex-husbands harass or batter their former wives.

A TRO is enforced by a civil contempt of court proceeding. This means that if the man violates the order you can go back to court and ask that he be charged with contempt. However, this is a time-consuming procedure that may have little influence on the batterer.

What good does a TRO do?

1. It may intimidate the man enough so that he will leave you alone. Perhaps this formal acknowledgement of his illegal behavior will prompt him to try to change.

2. If one or more TROs have been issued, a court record has been created that will support your claim that he has repeatedly beaten you, and this may help you gain custody of the children.

The reality is that in New Mexico few men are punished by the courts for beating up women. It would be a mistake for you to rely on the courts to solve your problem for you. Even if the man is punished, there is no guarantee he will change his ways. If he doesn't change, you must be prepared either to start a new life without him or to welcome him back under new rules, the first of which is that he must never beat you again.

A battered woman should consider the courts as a potential tool she can use to gain control over her situation. Threatening to file charges against your batterer may deter him or inspire him to seek treatment. For the battered woman, who has been a physical and emotional victim for so long that she no longer believes she can exert any influence over her situation, the courts can provide an ally. But ultimately she must take responsibility for her own well being.

Staying with Him

A large percentage of battered women decide to stay with their men. This is not because they are weak or stupid, and they need not be ashamed of their choice. You should make this decision only after careful consideration, and should not go back merely because you don't know what else to do. Don't go back just for the children's sake, because they cannot thrive in an atmosphere of violence. Don't go back just because people will gossip if you leave him. Your religion may discourage divorce, but it probably permits separation, and you should not be forced to stay with a man who beats you.

If you want to stay with him, you must make it clear that the relationship is going to change and you are not going to allow yourself to be beaten again. Developing new expectations, behaviors and standards will be easier if both of you are getting help from a therapist, counselor, feminist group or other source (see Part 3).

Ending the Relationship

If, after thinking it over and talking with people you trust, you decide you don't want to live with a batterer any longer, end the relationship.

If you are married to him, file for legal separation or divorce. If you are not married, tell him the relationship is over. In either case, plan in advance to negotiate over who will stay in the house, how the property will be divided, who will keep the children and how finances will be arranged. A lawyer can advise you about these decisions, and you may have to go to court to settle them.

If you decide on a divorce, you can file for dissolution of the marriage on the grounds of incompatibility. You do not have to prove wrongdoing by your husband; you simply state that you no longer wish to be married to him. Your husband cannot contest the divorce.

A few women may be able to file for divorce on their own, without the services of a lawyer, by obtaining the appropriate papers from a handbook or the court clerk. For a small consultation fee a lawyer can tell you whether you should try to file you own divorce papers. However, you should hire a lawyer if you and your husband disagree about the settlement terms or if there are children involved or if you own any property beyond basic household goods. The lawyer will help you settle the property division and the questions of alimony, child custody, support and visitation.

If you have been living with a man but are not married, you are probably entitled to a share in any property the two of you have accumulated. For example, if you bought furniture for your joint use, you are a co-owner of it and may claim some or all of it for yourself, regardless of which partner actually paid for it. You probably will need a lawyer's help to settle disagreements about this property.

You should not expect ending the relationship to end all your problems. In fact, the man may become more abusive than before. Take steps to protect yourself, based on your own judgment of what is needed. These steps may include moving to a different place or getting a temporary restraining order.

Starting a new life on your own is not easy, especially for a woman who has just escaped the trap of battering. Don't be ashamed to acknowledge your needs for comfort, assistance and advice. Find ways to have your needs met by other people. Remind yourself that you are traveling a rocky road but it is the route to future peace—and it's worth a few bumps to get there.

Part 3: Suggested Reading and Resource List for New Mexico

Suggested Reading

Stopping Wife Abuse: a guide to the emotional, psychological and legal implications for the abused woman and those helping her, by Jennifer Baker Fleming, Anchor Press, 1979

The Battered Woman, by Lenore E. Walker, Harper & Row, 1979

Battered Wives, by Del Martin, Glide Publications, 1976

Scream Quietly or the Neighbors Will Hear, by Erin Pizzey, R. Enslow Publishers, 1977

Violence Against Wives: a case against the patriarchy, by R. Emerson Dobash & Russell Dobash, Free Press, 1979

Conjugal Crime: understanding and changing the wife-beating pattern, by Terry Davidson, Hawthorn Books, 1978

Battered Women: a psychosociological study of domestic violence, edited by Maria Roy, Van Nostrand Reinhold Co., 1977

The Violent Home: a study of physical aggression between husbands and wives, by Richard J. Gelles, Sage Publications, 1972

Resource List for New Mexico

Shelters

Shelter for Victims of
Domestic Violence
P. O. Box 6472
Albuquerque, N.M., 87197
247-4219
292-7733

Battered Families Project
P. O. Box 1732
Clovis, N.M., 88101
762-0050 (business)
769-0305 (crisis)
Portales: 356-4779

Family Crisis Center, Inc.
P. O. Box 2345
Farmington, N.M., 87401
327-9824 (business)
325-1906 (crisis)

Option, Inc.
P. O. Box 2213
Hobbs, N.M., 88240
397-1576

Esperanza: A Project for
Battered Families
P. O. Box 5701
Santa Fe, N.M., 87501
988-9731

Home for Battered
Women and Children
P. O. Box 1805
Shiprock, N.M., 87420
368-4402

Other Family Violence Programs and Resources

ALAMOGORDO
Center of Protective Environment
P. O. Box 1180
Alamogordo, N.M., 88310
434-0534

CARLSBAD
Social Services
1105 W. Mermod
Carlsbad, N.M., 88220
887-3576

DEMING
Shirlee T. Abel
2212 S. Granite
Deming, N.M., 88030
546-2174

Cheryl Speir-Phillips
306 S. Copper
Deming, N.M., 88030
546-2174

GALLUP
Crisis Life Line
Box 936
Gallup, N.M., 87301
722-2266 (business)
722-5200 (crisis)

GRANTS
Resource Center, Inc.
1500 N. Third
Grants, N.M., 87020
287-7985
287-8504 (emergency)

LAGUNA
Families at Risk
P. O. Box 194
Laguna, N.M., 87026
552-6651

LAS CRUCES
La Casa, Inc.
P. O. Box 2463
Las Cruces, N.M., 88004
No phone as of this printing
Call 1411 for information

LAS VEGAS
Sangre de Cristo Mental Health Center
116 Bridge Street
Las Vegas, N.M., 87701
425-3558

LORDSBURG
Area Human Resources
P. O. Box 31
Lordsburg, N.M., 88045
542-9477

LOS ALAMOS
Women's Center
P. O. Box 1100
Los Alamos, N.M., 87544
662-5299

The Family Council
P. O. Box 488
Los Alamos, N.M., 87544
662-3264

MORA
Sangre de Cristo Community
Mental Health Services
P. O. Box 209
Mora, N.M., 87732
387-2275 (business)
387-2201 (crisis)

RATON
Sangre de Cristo Mental Health
Center
P. O. Box 1583
Raton, N.M., 87740
445-5561 (business)
445-5562 (crisis)

ROSWELL
The Refuge—The Shelter
for Battered Adults
P. O. Box 184
Roswell, N.M., 88201
347-5441 x 261 (Karen Schooley)
622-4150 (Ella Mares)

SILVER CITY
Area Human Resources
P. O. Box 677
Silver City, N.M., 88061
388-4412

TAOS
Battered Women's Project
P. O. Box 3170
Taos, N.M., 87571
758-8871 (business)
758-9888 (crisis)

TIERRA AMARILLA
Northern Rio Arriba Public
Service Agency Coalition
c/o Oficina de Ley
Box 160
Tierra Amarilla, N.M., 87575
588-7248 (Donnie Brawley or
Mary Lou Carson)
756-2185 (Sharon Martinez)

WHITE SANDS
Family Advocacy Program
Army Community Service Center
105 Twin Cities
White Sands Missile Range,
N.M., 88002
678-LIFE

New Mexico Commission on the Status of Women
600 Second NW, Suite 809
Albuquerque, N.M., 87102
842-3141
1-800-432-9168 toll-free outside Albuquerque

Other Resources

Your community may have all or some of the resources listed below:

Alcoholism: See yellow pages under Alcoholism Information and Treatment Centers or white pages under the name of your city, town or county or New Mexico State Government—Health and Environment Department—Behavioral Health Services Division or Alcohol.

Child Abuse: Call Social Services, listed in your white pages under New Mexico State Government, Health and Human Services Department, Social Services Division.

Child Care: See yellow pages under Day Nurseries and Child Care, Homes and Institutions or Sitting Services.

Child Support: See white pages under New Mexico State Government —Human Services Department of—Income Support Division—Child Support Enforcement.

Churches: See yellow pages under Churches.

Counseling: See yellow pages under Child Guidance, Marriage and Family Counselors, Mental Health Services, Religious Counseling or Social Service Organizations.

Crisis Lines: See inside front cover of your phone book or yellow pages under Crisis Intervention Service or white pages under your city, town or county, or under Rape Crisis Center or Suicide Prevention Center or call information.

District Attorney: See white pages under the name of your county.

District Court Clerk: See white pages under New Mexico State Government—District Court Offices.

Drug Abuse: See yellow pages under Drug Abuse and Addiction—Information and Treatment.

Emergency Housing: See white pages under the name of your city, town or county or call your nearest shelter, listed above.

Employment: See yellow pages under Employment Agencies; Employment Contractors—Temporary Help; Employment Service—Government, Company, fraternal, etc.; Vocational Guidance; Employment Training Service or white pages under New Mexico State Government—Employment Security Department.

Financial Assistance: See white pages under New Mexico State Government, Human Services—Income Support.

Legal Services: See yellow pages under Lawyers or Legal Clinics or see white pages under the name of your county, under Northern New Mexico Legal Services or Southern New Mexico Legal Services or Legal Services.

Medical Services: See yellow pages under Clinics—Medical, Hospitals or Physicians and Surgeons.

Mental Health Services: See yellow pages under Mental Health Services.

Police: See inside front cover of phone book or white pages under the name of your city or town.

Sheriff: See inside front cover of phone book or white pages under the name of your county.

Social Services: See yellow pages under Social Services or white pages under New Mexico State Government, Health and Social Services Department.

Women's Organizations: Call the Commission on the Status of Women, 842-3141 or 1-800-432-9168 outside Albuquerque.